

IRW



S&H Form: (2/01)

Docket No.:1594.1366

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Sang Gyu JUNG

Serial No. 10/727,686

Group Art Unit: 3744

Confirmation No. 8480

Filed: December 5, 2003

Examiner: William E. Tapolcai

For: REFRIGERATOR WITH ICE FEEDING UNIT

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Alexandria, Virginia 22313

Sir:

This is responsive to the Office Action mailed November 1, 2004, having a shortened period for response set to expire on December 1, 2004, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

The Applicant provisionally elects Group I, claims 1-10 in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants' Traverse the Requirement

Insofar as Groups II and III are concerned, it is believed that 11-16 and 20; and claims 17-19 are so closely related to elected claims 1-10 that they should remain in the same application. The elected claims 1-10 are directed to a refrigerator having an ice feeding unit and the non-elected claims 11-16 and 20 are directed to a refrigerator having an ice feeding unit and an ice feeding unit respectively. Claims 17-19 are directed to a method of dispensing ice cubes from an ice feeding unit in a refrigerator. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both method and product claims in the same field of technology. While it is noted that the Examiner has identified different classifications, it is believed that classification is not conclusive on the question of restriction.

It is believed, moreover, that evaluation of all of the sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and

delay to the Applicant in having to protect the additional subject matter recited by Groups II and III claims by filing a divisional application(s).

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

Moreover, it is respectfully submitted that at least claim 1 is generic. Therefore, if the generic claim is allowed, the Applicant is entitled to reconsideration of claims with respect to Groups II and III if the claims are written in dependent form or independent form to include all the limitations of the allowed generic claim.

III. Conclusion

Upon review of references involved in this field of technology, when considering that the Group II claims are directed to a refrigerator having an ice feeding unit and an ice feeding unit respectively, and the Group III claims are directed to a method of dispensing ice cubes from an ice feeding unit in a refrigerator, and elected claims 1-10 are directed to a refrigerator having an ice feeding unit, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,
STAAS & HALSEY LLP

Date:

Nov 29, 2004

By:

Deidre M. Davis
Deidre M. Davis
Registration No. 52,797

1201 New York Ave, N.W., Ste. 700
Washington, D.C. 20005
(202) 434-1500
(202) 434-1501